

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a  
Declaratory Ruling for the Location,  
Construction and Operation of a 3.2 MW  
Wind Renewable Generating Project on  
New Haven Road in Prospect, Connecticut**

**Docket/Petition No. 980**

**March 8, 2011**

**SAVE PROSPECT CORP'S SECOND SUPPLEMENTAL AND CORRECTED  
EXHIBIT LIST AND REQUEST FOR ADMINISTRATIVE NOTICE LIST**

**A. EXHIBIT LIST**

1. Town of Rensselaerville, New York: Wind Power Committee Recommendation Report for Industrial Wind Power
2. Town of Dixmont, Maine: Wind Energy Facility Ordinances
3. Town of Jackson, Maine: Amended Wind Turbine Ordinance
4. Trempealeau County, Wisconsin: Wind Generator and Wind Generating Facility Ordinance
5. Thorndike, Maine: Wind Energy Facility Ordinance
6. Montville, Maine: Wind Turbine Generator Ordinance (including Findings and Rationale)
7. Vermont: House Bill 677 as Introduced (“An act relating to wind energy plants”) (2010) and letter from Nina Pierpont, M.D., Ph. D. in support of H.677
8. New Jersey Senate, No. 2374 (“Prohibits siting of industrial wind turbines within 2,000 feet of any residence or residentially zoned property”) (introduced Nov. 8, 2010)
9. United Kingdom Parliament, House of Lords Bill (regarding minimum distances of wind turbines from residential premises) (Session 2010-11)
10. First International Symposium on Adverse Health Effects from Wind Turbines - The Global Wind Industry and Adverse Health Effects: Loss of Social Justice? Picton, Prince Edward County, Ontario, Canada (October 29-31, 2010)
11. GE Energy: Ice Shedding and Ice Throw – Risk and Mitigation; David Wahl and Philippe Giguere, Wind Application Engineering, publicly available at [www.gepower.com/prod\\_serv/products/tech\\_docs/en/downloads/ger4262.pdf](http://www.gepower.com/prod_serv/products/tech_docs/en/downloads/ger4262.pdf).

12. Vestas Wind Systems A/S – Safety Regulations for Operators and Technicians (see numbers 2 (Stay and Traffic by the Turbine) and 16 (Precautions in Case of Fire))
13. Article by Professor Terry Matilsky, Rutgers University, regarding wind turbine blade throw and break
14. The Morning Journal (Northern Ohio), December 1, 2010: “Blade comes off wind turbine at Perkins High School”
15. Watertown Daily Times (New York), December 30, 2009: “Fallen Turbine”
16. Audiology Today (Jul/Aug 2010): “Wind Turbine Noise – What Audiologists Should Know,” by Jerry Funch, Richard James, and Dan Pabst
17. Journal of Sound and Vibration 277 (2004) 955-970: “Effects of the wind profile at night on wind turbine sound,” by G.P. van den Berg
18. “Visual and Noise Effects Reported by Residents Living Close to Manawatu Wind Farms: Preliminary Survey Results,” by Drs. Robyn Phipps, Marco Amati, Sue McCoard and Richard Fisher
19. Deputation to the Standing Committee on General Government Regarding Bill C-150, by Dr. Robert McMurty, M.D., F.R.C.S (C), F.A.C.S
20. Noise-Con 2007: “Communicating the Noise Effects of Wind Farms to Stakeholders,” by Christopher J. Bajdek
21. Affidavit of Michael A. Nissenbaum, M.D. submitted to the State of Maine Board of Environmental Protection in the Record Hill Wind Project matter (excluding exhibits referenced by affiant)
22. “Location, Location, Location: An investigation into wind farms and noise by The Noise Association” (July 2006)
23. Palmerston North Commission: Moturimu New Zealand Wind Farm Application – Evidence of Dr. Robyn Phipps
24. Chatham-Kent Public Health Unit – “The Health Impact of Wind Turbines: A Review of the Current White, Grey, and Published Literature (June 2008)
25. “Disconnect Between Turbine Noise Guidelines and Health Authority Recommendations,” by Prof. John P. Harriston, Queen’s University
26. “A Review of the Science, Literature and Recommendations Concerning Public Safety and Ice Throws from Wind Turbines,” by Kenneth Jaffe, MD (June 2006)

27. 3460 J. Acoust. Soc. Am. 116 - “Perception and annoyance due to wind turbine noise – dose – response relationship,” by Eja Pedersen and Kerstin Persson Waye (2004)
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28. “Noise Radiation from Wind Turbines Installed Near Homes: Effects on Health” by Barbara J. Frey, BA, MA and Peter J. Hadden, BSc, FRICS (2007)
29. Noise-Con 2008: “Simple guidelines for siting wind turbines to prevent health risks,” by George W. Kamperman, P.E. and Richard R. James, INCE
30. “The ‘How To’ Guide to Siting Wind Turbines to Prevent Health Risks from Sound,” by George W. Kamperman, P.E. and Richard R. James, INCE
31. Report by Dr. Christopher Hanning on Sleep disturbance and wind turbine noise on behalf of Stop Swinforrd Wind Farm Action Group (June 2009)
32. “Wind Turbines, Noise and Health,” by Dr. Amanda Harry (Feb. 2007)
33. “Wind Turbine Syndrome and the Brain,” by Nina Pierpont, MD, PhD (Nov. 15, 2010)
34. Affidavit of Michael M. Nissenbaum, MD, filed in the matter of McKinnon v. Red Lily Wind Power L.P., et al, Court of Queen’s Bench, Judicial Centre of Saskatoon
35. “A Review of Published Research on Low Frequency Noise and its Effects,” by Dr. Geoff Leventhall (May 2003)
36. 2009 Wind Turbine Impact Study by Appraisal Group One
37. Letter to author of “The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-State Hedonic Analysis” by McCann Appraisal, LLC (Dec. 14, 2009)
38. Inquiry into rural wind farms – Submission to the Legislative Council General Purpose Standing Committee No 5, by Dr. David Burraston and Ms. Sarah Last (2009)
39. “Impact of wind farms on the value of residential property and agricultural land,” a survey by the Royal Institution of Chartered Surveyors
40. Baileyville Wind Farm Development Issues prepared by Tom Hewson of Energy Ventures Analysis, Inc. (Nov. 30, 2005)
41. The Telegraph, July 26, 2008: “Homeowners living near windfarms see property values plummet”
42. Republican-American, December 4, 2010: “Canaan denies local permit for BNE\_Energy wind turbine”

43. Boston Herald, December 6, 2010: “Conn. residents see Falmouth wind power up close”
44. USA Today, November 3, 2008: “Neighbors at odds over noise from wind turbines”
45. The Newport Current, February 27, 2009: “A 292-foot mistake”
46. Letter from Christy Capone, PhD in support of complaint filed by Barry Funfar regarding noise generated from windmill near his home in Falmouth, Massachusetts
47. Statement of Barry Funfar to board of selectmen dated November 17, 2010
48. Letter from Barry Funar to Kay and Richard Turgeon dated December 7, 2010
49. The New American, November 8, 2010: “An ill Wind Blowing”
50. The Wall Street Journal, August 23, 2010: “Wind Power Won’t Cool Down the Planet”
51. “Cost and Quantity of Greenhouse Gas Emissions Avoided by Wind Generation,” by Peter Lang
52. “Speaking Truth to ‘Wind’ Power,” by Prof. Michal J. Trebilcock, University of Toronto (April 15, 2009)
53. Republican-American, 2002: “Old Cap & Jacket property has chilling clean-up cost”
54. January 6, 2003 letter from Connecticut Department of Environmental Protection to Mayor Chatfield regarding contamination at the U.S. Cap and Jacket site (with enclosures)
55. U.S. Dept. of Energy, National Renewable Energy Laboratory – Connecticut - 50 m Wind Power (Feb. 6, 2007)
56. Scale Drawing of residence and wind turbine
57. New York State Public Health and Safety – Investing in a Cleaner NY (prepared by Global Energy Concepts)
58. Wind Power Siting, Incentives, and Wildlife Guidelines in the United States (Oct. 2007)
59. “Calculating Wind Power’s Environmental Benefits: Erroneous assumptions can cast doubt on wind power’s ability to cut greenhouse gas emissions,” by Thomas Hewson, Jr. and David Pressman, Energy Ventures Analysts Inc.

60. "Permitting Setback Requirements for Wind Turbines in California," prepared by California Wind Energy Collaborative (Nov. 2006)
61. "Permitting Setbacks for Wind Turbines in California and the Blade Throw Hazard," prepared by Scott Larwood, California Wind Energy Collaborative, Univ. of California, Davis
62. National Wind Watch – European Setbacks (minimum distance between wind turbines and habitations) (March 24, 2009)
63. Town of Sedgwick Maine – wind power development moratorium ordinance
64. Wind Turbine – Materials and Manufacturing Fact Sheet, prepared for the Office of Industrial Technologies, US Department of Energy by Princeton Energy Resources International, LLC
65. CCEF Minutes November 12, 2009
66. CCEF Minutes June 24, 2010
67. GER 4277 – Extreme Wind Speed – Risk and Mitigation
68. GE Energy GE Wind – Setback Considerations for Wind Turbine Siting
69. BNE Answers to Interrogatories Served on it by the Siting Council or any party or intervenor in this matter
70. Town of Prospect Zoning Map
71. All exhibits listed by any party or intervenor
72. Any item referred to in any interrogatory response or pre-filed testimony
73. Examples of Butterfly Pattern Maps Produced by Wind Pro Software
74. American Meteorological Society, Glossary of Meteorology,  
[www.amsglossary.allenpress.com](http://www.amsglossary.allenpress.com)
  - a. Definition of "Cloudy",
  - b. Definition of "Partly Cloudy".
75. Wind Turbine Technology Overview, prepared by Global Energy Concepts and available at [www.powernaturally.org](http://www.powernaturally.org)
76. Wind Turbines Foundations, <http://advanceddevelopmentsite.com/wind-turbine.php>
77. Structural Engineering, <http://advanceddevelopmentsite.com/structural-engineering.php>

78. Proposed Amendments to Enabling Regulations and Regional Policy Plan for February 17, 2011 Cape Cod Commission Meeting
79. Cape Cod Commission Approves Wind Turbine Regulations, February 18, 2011, available at <http://www.capenews.net/communities/region/news/876>
80. Britain's Wind Farms are 'No Spin Zones' When Cold Hits, January 14, 2011, available at <http://www.energytribune.com/articles.cfm/6310/Britains-Wind-Farms-are-No-Spin-Zones-When-Cold-Hits>
81. CD created by Tom Casella demonstrating shadow flicker effect in his home in Templeton, MA
82. Night Noise Guidelines for Europe, World Health Organization (2009) [www.euro.who.int/document/e92845.pdf](http://www.euro.who.int/document/e92845.pdf)
83. Power Point Presentation by Catherine Goodwin, "My Own Private Walden"
84. "Wind turbine noise affects health" (summary of peer-review study referenced in John Ford pre-filed testimony), available at <http://www.wind-watch.org/newsarchive/2008/02/17/wind-turbine-noise-affects-health/>
85. Falmouth Community Television DVD of Feb. 28, 2011 Town Meeting (see last portion where town selectmen unanimously voted to stop turbine when the wind exceeds 10 meters per second no matter what the hour until instructed otherwise)
86. Photograph of Sue Hobart's home in Falmouth, MA
87. Video of Sue Hobart's home in Falmouth, MA
88. Photographs of Bob Moore's home in Prospect, CT (42 Woodcrest Dr.)
89. DOE graphic attached as Exhibit 2 to David Pressman's Supplemental Pre-filed Testimony (not reproduced here)
90. "Wind Energy: Cold Weather Issues" presented by Antoine Lacroix and Dr. James F. Manwell, Univ. of Mass at Amherst, Renewable Energy Research Laboratory, June 2000
91. Wind turbine illustration attached as Exhibit 1 to David Pressman's Supplemental Pre-filed Testimony
92. Connecticut DEP Water Quality Standards; Surface Water Quality Standards effective Dec. 17, 2002; Ground Water Quality Standards effective April 12, 1996

93. "Concrete construction for wind energy towers" by A.N. Singh, The Indian Concrete Journal (Aug. 2007)
94. Wind turbine transportation images attached as Exhibit 9 to John Stamberg's Supplemental Pre-filed Testimony
95. Correspondence from Sept. 12, 2009, Dec. 9, 2009, Dec. 14, 2009 and Dec. 15, 2009 between Michael McCann and Ben Hoen and Ryan Wiser attached as Exhibit G to Michael McCann's Supplemental Pre-filed Testimony
96. Nov. 2010 e-mail from Michael McCann to Mr. Hoen attached as Exhibit H to Michael McCann's Supplemental Pre-filed Testimony
97. May 5, 2010 NEWEEP Webinar Presentation "Impacts on Residential Property Values Near Wind Turbines: An Overview of Research Findings and Where to Go From Here" by Ben Hoen attached as Exhibit I to Michael McCann's Supplemental Pre-filed Testimony
98. "Wind Farms, Residential Property Values, and Rubber Rulers" by Albert R. Wilson attached as Exhibit J to Michael McCann's Supplemental Pre-filed Testimony
99. "Critique of *The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis*" by Wayne Gulden (Feb. 16, 2010) attached as Exhibit K to Michael McCann's Supplemental Pre-filed Testimony
100. "Ben Hoen on need for Property Value Guarantee" by Clif Schneider (April 12, 2010) attached as Exhibit L to Michael McCann's Supplemental Pre-filed Testimony
101. SPC and FairwindCT informational DVD submitted during public hearing before the Connecticut Legislative Energy and Technology Committee on February 3, 2011
102. Letter submitted to Connecticut legislature on February 3, 2011
103. Second DVD referenced in Tim Reilly's Supplemental Pre-filed Testimony (Exhibit R)
104. Bangor Daily News, "DEP: Vinalhaven wind turbines too loud" (Nov. 23, 2010)
105. Presentation boards with site photo and article highlights attached as Exhibit T to Tim Reilly's Supplemental Pre-filed Testimony
106. The Martha's Vineyard Times, "Visit to Vinalhaven wind turbines leaves questions" (Nov. 23, 2010)
107. Draft Nantucket Wind Turbines White Paper - MOD 4.8 as of September 17, 2010

108. Waterbury Republican, “While Conn. towns tangle with issue, turbine provide Mass. ski resort a lift” (Jan. 2, 2011)
109. House of Lords Bill 17, Wind Turbines (Minimum Distances for Residential Premises)
110. Vermont House Bill 366 (2011)
111. [www.downeast.com](http://www.downeast.com), “Everything You’ve Wanted to Know About Wind Power” (March 2011)
112. Wind Energy System Licensing Ordinances for the Wisconsin towns of Magnolia, Ridgeville, Wilton and Woodville
113. “Walker’s bill eyes big setbacks for wind projects” (Jan. 11, 2011), available at <http://www.jsonline.com/blogs/business/113309724.html>
114. Waterbury Republican, “Q&A with the Gov.” (Feb. 25, 2011)
115. Public Health Impacts of Wind Turbines, prepared by Minnesota Department of Health, Environmental Health Division (May 22, 2009)
116. <http://bneenergy.com/bne-energy-wind-projects.html>
117. WindPro Manual, Chapters 4.2 (SHADOW - Flickering) and 4.3 (ZVI - Zones of Visual Influence) (Oct. 10)
118. SPC letter to Gov. Malloy dated March 8, 2011
119. February 10, 2011 NEWEPP Presentation “Understanding the Current Science, Regulation, and Mitigation of Shadow Flicker Webinar”
120. Brochure by Concrete Washout Systems titled “World’s Premier Concrete Washout Services Provider” attached as Exhibit A to Kurt Trampusch’s Pre-filed Testimony
121. Nordex “Lubricants, coolants, transformer oil and measures against accident-related leakage” (Rev. 04, 2010-01-29) attached as Exhibit B to Kurt Trampusch’s Pre-filed Testimony
122. WatertownDailyTimes.com, “Wind farm substation is damaged by blaze” (Oct. 14, 2009) attached as Exhibit C to Kurt Trampusch’s Pre-filed Testimony
123. “Spill Prevention, Control and Countermeasures Plan” prepared by URS Corporation - New York regarding the Hounsfield Wind Farm Project, Jefferson County, New York attached as Exhibit D to Kurt Trampusch’s Pre-filed Testimony
124. SPC photographs of houses with expected shadow flicker exposure

**B. REQUEST FOR ADMINISTRATIVE NOTICE LIST**

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62. National Wind Watch – European Setbacks (minimum distance between wind turbines and habitations) (March 24, 2009)

- 63. Town of Sedgwick Maine – wind power development moratorium ordinance
- 64. Wind Turbine – Materials and Manufacturing Fact Sheet, prepared for the Office of Industrial Technologies, US Department of Energy by Princeton Energy Resources International, LLC
- 65. CCEF Minutes November 12, 2009
- 66. CCEF Minutes June 24, 2010
- 67. GER 4277 – Extreme Wind Speed – Risk and Mitigation
- 68. GE Energy GE Wind – Setback Considerations for Wind Turbine Siting
- 70. Town of Prospect Zoning Map
- 71. Proposed Amendments to Enabling Regulations and Regional Policy Plan for February 17, 2011 Cape Cod Commission Meeting
- 74. American Meteorological Society, Glossary of Meteorology,  
[www.amsglossary.allenpress.com](http://www.amsglossary.allenpress.com)
  - a. Definition of “Cloudy”,
  - b. Definition of “Partly Cloudy”.
- 75. Wind Turbine Technology Overview, prepared by Global Energy Concepts and available at [www.powernaturally.org](http://www.powernaturally.org)
- 76. Wind Turbines Foundations, <http://advanceddevelopmentsite.com/wind-turbine.php>
- 77. Structural Engineering, <http://advanceddevelopmentsite.com/structural-engineering.php>
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[www.euro.who.int/document/e92845.pdf](http://www.euro.who.int/document/e92845.pdf)
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<http://www.wind-watch.org/newsarchive/2008/02/17/wind-turbine-noise-affects-health/>
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**Respectfully submitted,  
SAVE PROSPECT CORP**

**/s/ Jeffrey J. Tinley**

**By: \_\_\_\_\_  
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Its Attorneys**

## **CERTIFICATION**

This is to certify that a copy of the foregoing has been delivered via electronic mail and/or first class mail, postage pre-paid, on this 8th day of March, 2011 to the following:

Carrie L. Larson, Esq.  
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*On behalf of Applicant BNE Energy, Inc.*

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Town Center, Suite 200  
29 South Main Street  
West Hartford, CT 06107  
E-Mail: [pcorey@bneenergy.com](mailto:pcorey@bneenergy.com)  
*On behalf of Applicant BNE Energy, Inc.*

The Honorable Robert J. Chatfield, Mayor  
Town Office Building  
36 Center Street  
Prospect, CT 06712-1699  
E-Mail: [Town.of.prspct@sbcglobal.net](mailto:Town.of.prspct@sbcglobal.net)  
*On behalf of Party Town of Prospect*

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Killian & Donahue, LLC  
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*On behalf of Parties John Lamontagne, Cheryl Lamontagne, Thomas Satkunas and Eileen Satkunas*

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Nicholas J. Harding, Esq.  
Reid and Reige, P.C.  
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[nharding@rrlawpc.com](mailto:nharding@rrlawpc.com)  
*On behalf of Party FairwindCT, Inc.*

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Carmody & Torrance, LLP  
50 Leavenworth Street  
Waterbury, CT 06721-1110  
*On behalf of Party Town of Prospect, as Town Attorney*

Rosa L. DeLauro, State Representative  
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Second Floor  
New Haven, CT 06510  
*On behalf of Limited Appearance*

John R. Morissette  
Manager - Transmission Siting and Permitting  
Northeast Utilities Service Company  
P.O. Box 270  
Hartford, CT 06141-0270  
E-Mail: [morisjr@nu.com](mailto:morisjr@nu.com)  
*On behalf of Intervenor CL & P*

Christopher R. Bernard  
Manager - Regulatory Policy (Transmission)  
The Connecticut Light and Power Company  
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Hartford, CT 06141-0270  
E-Mail: [bernacr@nu.com](mailto:bernacr@nu.com)  
*On behalf of Intervenor CL & P*

Joaquina Borges King, Esq.  
Senior Counsel  
Northeast Utilities Service Company  
P.O. Box 270  
Hartford, CT 06141-0270  
E-Mail: [borgej@nu.com](mailto:borgej@nu.com)  
*On behalf of Intervenor CL & P*

/s/ Jeffrey J. Tinley

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Jeffrey J. Tinley